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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,021	09/22/2003	Michael J. Berman	03-0915	1398

24319 7590 03/31/2005

LSI LOGIC CORPORATION
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EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8W

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/668,021	Applicant(s) BERMAN ET AL.	
	Examiner M Rachuba	Art Unit 3723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


 M Rachuba
 Primary Examiner
 Art Unit: 3723
 2/24/05

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Response to Arguments

1. Applicant's arguments filed 17 March 2005 have been fully considered but they are not persuasive.
2. Applicant argues that the examiner did not provide a citation from Lin in the response to arguments supporting her position. The citation was made in the body of the rejection, and was not required to be repeated.
3. The examiner agrees with applicant's arguments concerning the intended use, and withdraws the argument. However, the examiner maintains that Lin anticipates the claimed invention.
4. Applicant's claim 1 states:

A method for inspecting a uniformity of pressure applied between a conditioner and a polishing pad on a chemical mechanical polisher, the method comprising the steps of: placing a sheet of pressure sensitive material between the conditioner and the polishing pad, lowering the conditioner onto the sheet of pressure sensitive material, applying a desired degree of pressure between the conditioner and the polishing pad thereby creating an impression in the sheet of pressure sensitive material, lifting the conditioner from the sheet of pressure sensitive material, and inspecting the sheet of pressure sensitive material to determine the uniformity of the pressure applied between the conditioner and the polishing pad.
5. Lin discloses the claimed method as set forth in claims 1-9 and 19-20, including a method of determining the pressure between a pressure component of a CMP device and a polishing pad, including placing a sheet of pressure

sensitive material between the pressure component and the polishing pad, lowering the pressure component onto the sheet of pressure sensitive material, applying a desired degree of pressure between the pressure component and the polishing pad thereby creating an impression in the sheet of pressure sensitive material, lifting the pressure component from the sheet of pressure sensitive material, and inspecting the sheet of pressure sensitive material to determine the uniformity of the pressure applied between the pressure component and the polishing pad. Lin further clearly and definitely states "In addition, the pressure components applied in the embodiment of the present invention refer to, but not limited to, mechanical CMP pressure related components including a wafer carrier, a polishing pad, and mechanical arm members of a CMP machine." (Column 3, lines 38-42). The examiner cited Berman to show that a conditioner is inherently a pressure related component of a CMP machine. A conditioner **must** contact a polishing pad, such contact applying pressure between the conditioner and polishing pad, even if only under the force of gravity, for the conditioner to properly function. A polishing pad conditioner is a pressure related component of a CMP machine, (Berman, column 1, lines 29-31, "During conditioning, an implement called a conditioner is brought into contact with the surface of the pad.")

6. Applicant's argument that a conditioner is a different subsystem is moot, applicant has not claimed a combination of the various structures of the CMP device in which the method is used, only the conditioner and polishing pad.

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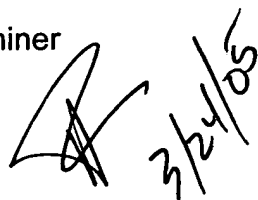
Given the disclosure of Lin, that the method is not restricted only to a wafer processing subsystem, it is the examiner's position that Lin anticipates applicant's claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is **(571) 272-4493**. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Rachuba
Primary Patent Examiner

Handwritten signature of M. Rachuba and the date 3/24/05.